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SUBJECT: IWU: "ELECTION GOING ACCORDING TO PLAN"

ABUJA 00000403 001.2 OF 003

Classified By: Ambassador John Campbell for reasons 1.4. (b & d).

¶1. (C) Summary: INEC Chairman Maurice Iwu said that election preparations are "going according to plan" and that he hopes the April 14 and 21 polls will be "hitch free." Sixty-one million voters have been registered, and according to Iwu, INEC is now in the process of checking each state's voters' roll for errors and duplications. He announced that the process of candidate substitution is closed and that the final candidate lists will be published March 8 for state elections and March 13 for the presidency and National Assembly races. Chairman Iwu explained that Vice President Atiku will not appear on the ballot unless INEC receives an order from the Supreme Court to include him. Though Iwu reassured the US officials that international observer groups are invited and welcome, he was less open on the subject of domestic observers, insisting that some domestic NGOs are too political and therefore ineligible. End Summary.

¶2. (C) Ambassador and visiting AF/W Director Phillip Carter met with Professor Maurice Iwu, Chairman of Nigeria's Independent National Electoral Commission (INEC) on February ¶27. During a 90-minute session in his office, INEC Chairman Maurice Iwu said that election preparations are "going according to plan" and that he hopes the April 14 and 21 polls will be "hitch free."

Voter Registration

¶3. (C) Professor Iwu asserted that the voter registration exercise had been a success. He claimed that 61.3 million voters were enrolled, though admitted that the data was still "preliminary." There is no central voters' roll; instead, each state INEC office has compiled its own list. Iwu claims to have data from each state at INEC headquarters on CD-ROM. INEC continues to scrub each state's voters' roll for duplications, underage voters, and other irregularities, according to Iwu. He explained that the public display period was over, and complained that the public was "apathetic," since few voters checked the list. When Mr. Carter pointed out that many Nigerians had trouble finding the list, Iwu insisted that it had been posted in each of Nigeria's 8830 wards. Mr. Carter suggested that INEC could post the voters' roll on the internet to allow the public to quickly and easily verify their names. Iwu said that INEC had rejected internet posting of the list due to "concerns

about identity theft."

Candidates and Parties

¶4. (C) Chairman Iwu insisted that period for substitution of candidates closed February 20 and will not be opened again. INEC will publish the final candidate lists on March 8 for state assembly and gubernatorial elections and March 13 for the presidency and National Assembly races. He explained that the Nigerian constitution (section 137(1) a-j) was quite "prescriptive" about who is ineligible to run for office. The constitution specifically bars anyone who has been "indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act."

¶5. (C) Iwu specifically discussed the cases of presidential aspirants Governor Orji Kalu (Abia) and Vice President Atiku Abubakar. Prior to the February 20 deadline, Governor Kalu obtained a court order to stop INEC from use of the EFCC list (as adopted by the Administrative Panel of Inquiry) to disqualify him. Iwu noted that Kalu's judgment was issued by a state court, and it will be challenged by INEC in federal court, where INEC expects it will be overturned. Still, Iwu said that "for now, Kalu is on the ballot." He said that the Vice President, however, failed to present INEC with a similar court order, and that he is therefore excluded from the ballot. Professor Iwu claimed to be baffled at why Atiku failed to obtain a court order before the February 20 deadline, as both he and the Action Congress party were given sufficient warning about Atiku's inclusion on the list of indicted candidates. Iwu claimed that the Vice President would now need a "Supreme Court order, no lower" to be reinstated on the ballot. The Chairman also noted that if Atiku succeeded at the Supreme Court (which he deemed unlikely), it would be too late to reprint ballots to include

ABUJA 00000403 002.2 OF 003

Atiku's name and photograph.

¶6. (C) In a session with the media at the beginning of the meeting, a reporter questioned Chairman Iwu about whether the All Progressives Grand Alliance (APGA) party had been denied access to the ballot. Iwu explained that INEC had received a court order barring the commission from "interfering" in a dispute between two APGA factions competing for control of the party name. He said that INEC decided to honor APGA nominations received prior to the court order, but allow no further actions (such as candidate substitutions) by the party to ensure compliance with the courts.

Election Day Issues

¶7. (C) INEC has awarded a contract for the printing of ballots and has already purchased new ballot boxes. The presidential and gubernatorial ballots will feature candidate photos and all voting will take place on paper, with voters placing a thumbprint next to the candidate of their choice. INEC plans to hire 500,000 ad hoc staff to man the polls, and Chairman Iwu says that staff training has begun. Judges have been selected and sworn in for the Election Tribunals, and training of the tribunals began this week with help from IFES and USAID.

¶8. (C) Public confusion persists over how results will be tallied and publicized on election day. Professor Iwu said that the votes will be counted at each polling station, with copies of the results given to the party polling agents. Results will be transmitted both electronically and by hardcopy to the Local Government Authority (LGA), then to the constituency, and to the state. When asked how the electronic transmission could be achieved in rural Nigeria, Iwu explained that the government has satellite coverage of the entire country through a "global leased network" for

election day communications. Iwu was adamant that results will not be posted at the polling unit, as he felt this would lead to confusion and fraudulent announcement of results. Mr. Carter pointed out that issuance of results at the polling unit would allow observers to note the result and then compare it to the result recorded at the collation center. Iwu responded that observers, whether foreign or domestic, may only observe; they cannot interfere with the process. Results will only be announced by the returning officer in a constituency, the Resident Electoral Commissioner (REC) in a state, or from INEC headquarters in Abuja, according to Iwu. When Mr. Carter asked whether there could be a parallel, independent tally of results outside of INEC, Iwu said no.

¶9. (C) The issue of election observers remains contentious for INEC. Professor Iwu noted that international observers groups have been issued invitations by the Ministry of Foreign Affairs, but the formal process of observer accreditation has not yet begun. He explained that accreditation of domestic groups would be challenging, because "some political action committees have converted themselves into NGOs." He specifically mentioned the Alliance for Credible Elections (ACE) as a group that "it would be irresponsible" for INEC to accredit. Iwu said that "ACE is led by a former student of mine" and "we know who is who." Groups with previous experience observing the election, such as Transition Monitoring Group (TMG), Civil Liberties Organization (CLO), and the Nigerian Labor Congress (NLC), would have no trouble with accreditation, according to Iwu. However, INEC will be cautious of "fly by night" organizations and wants to investigate sources of funding of domestic groups, especially those from the Niger Delta, as Iwu is concerned that some may be "militant groups changing their color."

COMMENT

¶10. (C) Iwu's description of the process for counting ballots and announcing results was not reassuring. Past experience shows that Nigeria's elections are rigged during the counting process, rather than during the vote itself. It is also striking that with less than six weeks to the polls and a general consensus in the public and amongst politicians that election preparations have been poor, Chairman Iwu continues to tout the election as a success and requests no

ABUJA 00000403 003.2 OF 003

outside assistance. Perhaps, as he told us, things are "going according to plan," though the aim of the plan is not a credible election.

CAMPBELL